

Group IV, claims 12, 20, 28, 36 drawn to a method of making an artificial Shiro of Matsutake 424, subclass 195.16, for example;

Group V, claims 13, 21, 29, 37, drawn to a method of making an artificial Shiro of Matsutake 424, subclass 93.1, for example;

Group VI, claims 14, 22, 30, 38, drawn to a method of making an artificial Shiro of Matsutake 435, subclass 254.1, for example;

Group VII, claims 15, 23, 31, 39, drawn to a method of making an artificial Shiro of Matsutake 435, subclass 383, for example; and

Group VIII, claims 16, 24, 32, 40 drawn to a method of making an artificial Shiro of Matsutake 435, subclass 384, for example.

Applicants have elected Group VII, claims 7, 16, 23, 31, 39 with traverse.

Applicants note, that the Examiner has not classified the claims 4, 5, 6, 7 and 8 in his requirement for restriction, claim 7 is classified in Group VII as each of claims 15, 23, 31 and 39, the claims of Group VII, depend from independent claim 7. Accordingly, the Examiner is respectfully requested to examine claim 7 as part of the elected group, Group VII.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the examiner if restriction is not required. (MPEP 803). The burden of proof is on the Examiner to provide reasons and/or examples, to support any conclusion in regard to patentable distinctness (MPEP 803). Applicants respectfully traverse the restriction requirement on the grounds that the Examiner has not carried the burden of providing any reason and/or examples to support any conclusion that the claims of the restricted groups are patentably distinct.

The Examiner has not categorized the relationships between the inventions of any of the groups. The Examiner has provided merely the conclusory statements that the methods are independent since they are not disclosed as capable of use together, they have different

modes of operation, they have different functions, and/or they have different effects. In further support for the requirement for restriction, it is argued that the methods have separate status in the art as a separate subject for inventive effect and require independent searches which would not be co-extensive and that a reference which would anticipate the invention of one group would not necessarily anticipate or make obvious the invention of another group. The support provided by the examiner are conclusory statements as opposed to reasons and/or examples offered in support of restriction. As such, the Examiner has not met the burdens placed upon the Patent Office by providing reasons and/or examples in support of the Examiner's basis for restriction. For these reasons, the restriction is believed to be improper and should be withdrawn.

Applicants submit that this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Respectfully submitted,

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